IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4559 OF 2007
IN
APPEAL NO.613 OF 2003

Music Broadcast Pvt.Ltd. .. Appellant
V/s
Phonographic Performance Ltd. .. Respondent

Mr.Rahul Kadam i/by Mr.H.W.Kane for the Appellant.

Ms.Deepali Bhalekar i/by M/s.Bilawala & Co.for Respondent.

CORAM : DR.S.RADHAKRISHNAN, &
ANOOP V.MOHTA, JJ.

DATE : 7th December, 2007.

P.C.:

1. Heard the learned Counsel for the partries. By this Notice of Motion, the Appellant is seeking to recall the order dated 28.11.2007 whereby the Appeal was dismissed in default. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling of the order dated 28.11.2007. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Hence, the order dated 28.11.2007 stands recalled. Appeal stands restored to file alongwith all the interlocutory reliefs granted earlier.

2. Place the Appeal on board for final hearing on 21.1.2008.

(ANOOP V.MOHTA, J.) **(DR.S.RADHAKRISHNAN, J.)**